

Approved For Release 2003/02/27 : CIA-RDP80R01731R000900090013-4

AUG 29 1953

Mr. C. D. Jackson
Special Assistant to the President
The White House
Washington 25, D. C.

Dear Mr. Jackson:

We have reviewed the papers on the Operations Coordinating Board forwarded with your letter of 27 August 1953. We feel that the Executive Order as now drafted is perfectly acceptable to the Central Intelligence Agency.

The deletion of the paragraph concerning the Executive Officer presents a problem of staffing on which we are prepared to cooperate to the extent of our available personnel and facilities.

Very truly yours,

SIGNED

C. F. Gabell
Lieutenant General, USAF
Acting Director

OGC:LRH:jeb

cc: DCI (2)
DD/P
DD/I
A-DD/A
C/PP
OGC (2)

Originating Officer:

LAWRENCE R. HOUSTON
General Counsel

Concurrences:

FRANK G. WISNER
Deputy Director
(Plans)

L. K. WHITE
Acting Deputy Director

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Mr. Roger W. Jones
Assistant Director for Legislative Reference
Bureau of the Budget
Washington 25, D. C.

Dear Mr. Jones:

This is in reply to your letter to the Attorney General of August 11, 1953, submitting the proposed Executive order entitled "Establishing the Operations Coordinating Board." Attached is a revision of the order, which it is believed, achieves the purposes contemplated by it and meets certain legal questions raised by the draft as submitted.

Two principal changes have been made. Section 2 of the draft has been revised so as to make it clearer that the functions of the Board are advisory and to remove any implication that it would have directive power with respect to functions expressly vested by law in designated agencies. For similar reasons, section 3, which would create an "Executive Officer" and define his functions, has been deleted. However, a sentence has been added to section 4 of the draft you transmitted (section 3 of the revision proposed by this Department) providing that the assistance to be furnished the Board in accordance with the provisions of section 214 of the act of May 3, 1945 (31 U.S.C. 691) "may include detaching employees to the Board, one of whom may serve as its Executive Officer, to perform such functions consistent with the purposes of this order, as the Board may assign to them." That section has been revised to provide that assistance shall be furnished the Board, not by specifically designated agencies, but by "each agency represented on the Board." No other changes have been made in the proposed order.

It is believed that in addition to accurately expressing the basic intention that the Board will be advisory in nature, engaging in activities of common interest to its member agencies, the revised draft meets the requirements of the statutes relating to the use of appropriated funds.

Sincerely yours,

/sgd. / J. Lee Rankin

J. Lee Rankin

Assistant Attorney General
Office of Legal Counsel

THE WHITE HOUSE
WASHINGTON

August 27, 1953

Dear General:

I am attaching a self-explanatory copy of a letter from Lee Rankin, Assistant Attorney General, to Roger Jones of the Bureau of the Budget, as well as a copy of the most recent draft of the Executive Order covering OCB.

As Bobby Cutler mentioned at NSC this morning, we had a two and a half hour session on this yesterday, and I am personally satisfied (maybe due to exhaustion) that both Budget and Justice were sincerely doing their best to give us what we wanted within the unbreakable framework of what they considered to be their legal responsibility.

The present paper may not be as good from our non-legalistic viewpoint as the one we hammered out, but it is certainly better than the pre-Kyes draft. And finally and most importantly, I believe that it is the kind of paper with which we can live and operate effectively.

Needless to say, I hope you will agree, and if you could get word to my office not later than next Tuesday, September 1st, Bobby can then take it out to Denver on Wednesday and button the whole thing up.

Sincerely,



C. D. Jackson

Attachments

Lt. Gen. C. P. Cabell, USAF
Acting Director
Central Intelligence Agency
Washington 25, D. C.

EXECUTIVE ORDER

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ESTABLISHING THE OPERATIONS COORDINATING BOARD

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

Section 1. (a) In order to provide for the integrated implementation of national security policies by the several agencies, there is hereby established an Operations Coordinating Board, hereinafter referred to as the Board, which shall report to the National Security Council.

(b) The Board shall have as members the following: (1) the Under Secretary of State, who shall represent the Secretary of State and shall be the chairman of the Board, (2) the Deputy Secretary of Defense, who shall represent the Secretary of Defense, (3) the Director of the Foreign Operations Administration, (4) the Director of Central Intelligence, and (5) a representative of the President to be designated by the President. Each head of agency referred to in items (1) to (4), inclusive, in this section 1(b) may provide for an alternate member who shall serve as a member of the Board in lieu of the regular member representing the agency concerned when such regular member is for reasons beyond his control unable to attend any meeting of the Board; and any alternate member shall while serving as such have in all respects the same status as a member of the Board as does the regular member in lieu of whom he serves.

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(c) The head of any agency (other than any agency represented under section 1(b) hereof) to which the President from time to time assigns responsibilities for the implementation of national security policies, shall assign a representative to serve on the Board when the Board is dealing with subjects bearing directly upon the responsibilities of such head. Each such representative shall be an Under Secretary or corresponding official and when so serving such representative shall have the same status on the Board as the members provided for in the said section 1(b).

(d) The Special Assistant to the President for National Security Affairs may attend any meeting of the Board. The Director of the United States Information Agency shall advise the Board at its request.

Section 2. The National Security Council having recommended a national security policy and the President having approved it, the Board shall (1) whenever the President shall hereafter so direct, advise with the agencies concerned as to (a) their detailed operational planning responsibilities respecting such policy, (b) the coordination of the interdepartmental aspects of the detailed operational plans developed by the agencies to carry out such policy, (c) the timely and coordinated execution of such policy and plans, and (d) the execution of each security action or project so that it shall make its full contribution to the attainment of national security objectives and to the particular climate of opinion the United States is seeking to achieve in the world, and (2) initiate new proposals for action within the framework of national security policies in response to opportunity and changes in the situation. The Board shall perform such other advisory functions as the President may assign to it and shall from time to time make reports to the National Security Council with respect to the carrying out of this order.

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Section 3. Consonant with law, each agency represented on the Board shall, as may be necessary for the purpose of effectuating this order, furnish assistance to the Board in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include detailing employees to the Board, one of whom may serve as its Executive Officer, to perform such functions, consistent with the purposes of this order, as the Board may assign to them.

Section 4. The Psychological Strategy Board shall be abolished not later than sixty days after the date of this order and its outstanding affairs shall be wound up by the Operations Coordinating Board.

Section 5. As used herein, the word "agency" may be construed to mean any instrumentality of the executive branch of the Government, including any executive department.

Section 6. Nothing in this order shall be construed either to confer upon the Board any function with respect to internal security or to in any manner abrogate or restrict any function vested by law in, or assigned pursuant to law to, any agency or head of agency (including the Office of Defense Mobilization and the Director of the Office of Defense Mobilization).

THE WHITE HOUSE,

August , 1953.

28 August 1953

MEMORANDUM FOR: Acting Director of Central Intelligence

SUBJECT : Executive Order Establishing the Operations
Coordinating Board

1. Mr. C. D. Jackson forwarded to you on 27 August a letter from the Assistant Attorney General and the Department of Justice's redraft of the Executive Order establishing the Operations Coordinating Board. The changes are simple: (1) wording is added to make certain that the Board has only advisory functions as opposed to directive powers, and (2) the provision for employing an Executive Officer and a staff has been deleted. Both changes are, I believe, soundly based in law and are not objectionable from the point of view of this Agency.

2. Technically, there is no requirement for an Executive Order for a Board of the type now contemplated in the Department of Justice's draft, as interdepartmental coordinating committees can be set up by arrangements between the departments. As I understand it, the prime purpose of the Executive Order is to give the Board prestige and to clarify its scope.

3. The one main difference from our point of view in making the Board purely advisory is that we may have to go to the National Security Council or the President for direction in certain cases where in the past we have depended on instructions from the Psychological Strategy Board.

4. As to the elimination of the staff for the Operations Coordinating Board, the basic point of law involved was raised in the Director's letter of 18 July 1953 to the Bureau of the Budget commenting on the original draft of the Executive Order. If such an interdepartmental Board wishes to hire its own staff, provision therefor must be made either in the appropriation acts or substantive statutes. As now provided, the Executive Officer will be supplied by detail from one of the interested agencies. Presumably, they will turn to CIA for the top-level details, asking for supergrades. This, I believe, may require discussion with the Bureau of the Budget and possibly the Comptroller General, but as we now have the supergrade positions of the Psychological Strategy Board staff on our rolls, I see no great difficulty.

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LAWRENCE R. HOUSTON
General Counsel

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LAWRENCE R. HOUSTON
General Counsel